



COUNTY COMMISSION

RENO COUNTY  
206 West First Avenue  
Hutchinson, Kansas 67501-5245  
(620) 694-2929  
Fax (620) 694-2928  
TDD (800) 766-3777

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TO: ALL INTERESTED PARTIES  
FROM: BOARD OF COMMISSIONERS  
RE: NOTICE OF MEETINGS  
DATE JANUARY 29, 2016

- The Reno County Board of Commissioners will meet as regularly scheduled at 9:00 a.m. on Tuesday, February 2, 2016, in Commission Chambers to hold their Agenda Session.

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**AGENDA SESSION**  
**RENO COUNTY COMMISSION**  
**COMMISSION CHAMBERS OF COURTHOUSE**  
**Tuesday, February 2, 2016, 9:00 A.M.**

1. Roll Call: Deming\_\_\_\_\_Dillon \_\_\_\_\_Schlickau \_\_\_\_\_
2. Pledge of Allegiance to the American Flag and Prayer
3. Determine Additions to the Agenda (Restricted to subject matters that were not known at the time of the agenda publication and to subject matters that require immediate Board discussion and/or action and which cannot be deferred to a later date.)
4. Public Comment on Items not on the Agenda. Please come forward to the podium, state your name and address and limit your remarks to not more than 5 minutes per item.
5. Consent Agenda (items considered routine for approval. If any commissioner or person in the audience would like further discussions or explanation of any item they may ask that it be removed from the consent agenda for additional consideration.

- a. Vouchers (bills or payments owed by the county or related taxing units) totaling \_\_\_\_\_.  
Motion for consent agenda items: Approval \_\_\_\_\_ Disapproval \_\_\_\_\_  
Motion \_\_\_\_\_ Second \_\_\_\_\_  
Dillon \_\_\_\_\_ Schlickau \_\_\_\_\_ Deming \_\_\_\_\_

6. **Public Hearing:** Zoning Case Number 15/ZA/01 - A request by Wendell and Keri Miller Living Trust (Applicant: Garber Surveying Service) to rezone approximately 2.5 acres of land from R-3 – Moderate Residential District to I-1 – Light Industrial District for the purpose of establishing a contractor’s storage yard for Miller Home Builders. Property is located at the dead-end intersection of W. 69<sup>th</sup> Avenue and Redwood Road.

- a. Open the hearing
- b. Discussion
- c. Close the hearing

7. Consider for approval a lease agreement with the City of Hutchinson for Reno County to continue leasing land for the use of firearms training. The lease is for a term of five years from January, 2016 through December, 2020. AI

- Motion for action: Approval \_\_\_\_\_ Disapproval \_\_\_\_\_  
Motion \_\_\_\_\_ Second \_\_\_\_\_  
Dillon \_\_\_\_\_ Schlickau \_\_\_\_\_ Deming \_\_\_\_\_

8. Consider for review and approval the Annual Noxious Weed Eradication Progress Report. AI

- Motion for action: Approval \_\_\_\_\_ Disapproval \_\_\_\_\_  
Motion \_\_\_\_\_ Second \_\_\_\_\_  
Dillon \_\_\_\_\_ Schlickau \_\_\_\_\_ Deming \_\_\_\_\_

9. Consider for review and approval the Noxious Weed 2017 Annual Management Plan. AI

Motion for action: Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Motion \_\_\_\_\_ Second \_\_\_\_\_

Dillon \_\_\_\_\_ Schlickau \_\_\_\_\_ Deming \_\_\_\_\_

10. Discussion of courthouse security entrance. DI

11. Discussion of items added to the agenda

12. Department update from Human Resources Director Renee Harris

13. Department update from Youth Services Director Bill Hermes

14. Department update from Health Department Director Nick Baldetti

15. Adjournment

*Items listed on the agenda as "DI" (Discussion Item) will normally be discussed that day and voted on the following week. Items listed as "AI" (Action Item) will normally be voted on that day unless postponed for further discussion or to await additional information. The Commission reserves the right to take a final vote on any agenda item but normally, on items coming up for the first time discussion, will await the following week for a final vote.*



**RENO COUNTY AGENDA REQUEST**

Case # 15/ZA/01. A request by Wendell & Keri Miller Living Trust (Applicant: Garber Surveying Service) to rezone approximately 2.5 acres of land from R-3 Moderate Residential District to I-1 - Light Industrial District for the purpose of establishing a contractor's storage yard. The property is located at the dead-end intersection of W. 69<sup>th</sup> Avenue and

**PROPOSED AGENDA ITEM:** Redwood Rd.

**PRESENTED BY:** Mark Vonachen - County Planner II

**RECOMMENDED ACTION:** Approval of the Planning Commission recommendation.

**BACKGROUND/DISCUSSION DATE:** 2/2/16

**PROPOSED AGENDA DATE:** 2/9/16

**FINANCIAL CONSIDERATIONS:**

Cost: N/A Funding Source: Is it budgeted? N/A

Fund/Dept.: N/A Effective Date: N/A

Revenue: N/A

Grant Amount: N/A Local Match: N/A

**LEGAL CONSIDERATIONS:** If the Agenda Item concerns a Contract, Agreement, Policy, County Resolution, or other matter involving legal issues, has it been reviewed by the County Counselor for legal form/sufficiency/recommendation? N/A

**Will this Agenda Item replace an existing policy, agreement, contract or resolution?  
If Yes, please explain:** No

**OTHER:** N/A

OPTIONS/ALTERNATIVES: If not approved, are there other options alternatives available? **No**

RENO COUNTY  
APPLICATION FOR ZONING AMENDMENT

**Section A – BACKGROUND INFORMATION**

1. This request applies to property located at and described as follows:

Complete address: 00000 West 69<sup>th</sup> Avenue

Legal Description: Portion of SW/4 Section 13, T22S, R6W. (See attached survey description).

2. Property owner(s) information:

Name: Wendell S. and Keri Miller Living Trust Phone: 620-662-1687

Complete Address: 103 N. Blue Spruce Road, Hutchinson, KS. 67502-9692

3. Agent Information:

Name: Daniel E. Garber Phone: 620-665-7032

Complete Address: 2908 North Plum St., Hutchinson, KS. 67502

4. The property is currently being used for what purpose:

Vacant ground that is currently being used for irrigation from adjacent Reno County Sewer District lagoons.

5. Indicate the current zoning of the property and the proposed zoning of the property:

Current zoning: R-3 Moderate Residential Proposed zoning: I-1 Light Industrial

6. Signatures. We the undersigned do hereby authorize the submittal of this application and associated documents and do hereby certify that all the information contained therein is true and correct.

Owner  Date 12-8-2015

Agent  Date 12-8-2015



**Section B – ZONING AMENDMENT STATEMENTS**

The nine statements listed below will be reviewed by planning staff, the planning commission, and the county commissioners when making a decision on a rezone petition. A majority of the nine statements do not have to be in the applicant’s favor to grant a rezone request. Likewise, a majority of the nine statements do not have to be against an applicant to deny a request. A petition may be approved or denied with only a minority of the statements in favor or against the applicant.

This is a voluntary opportunity to justify to staff, the planning commission, and the county commissioners approval of the petition. If the applicant chooses to submit answers to these statements, the planning commission and county commissioners will receive a copy of the written statements provided.

This section is not required to be completed, it is strictly voluntary. If the applicant chooses to provide written statements please do so on the attached lines. If additional space is needed, attach another sheet of paper to the application.

The applicant is also encouraged but not required to submit additional information to support the rezone application. Such information may include pictures, maps, statistics, and letters of support.

1. The proposed development will be in keeping with the character of the neighborhood because:

Properties to the West, East, and Southwest have existing shop buildings near existing residential structures.

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2. The proposed development will be consistent with the zoning and uses on nearby parcels because:

There is no I-1 Zoning nearby but shop buildings on adjacent properties East and Southwest are accessory buildings to residences. Shop to west will be relocated to vacate property for use by Reno County Sewer District.

3. The property is more suited for its proposed zoning than its current zoning because:

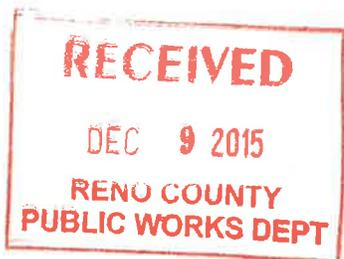
The subject property is too close to Reno County Sewer District lagoons to allow construction of residences because the separation requirement is 300 ft. from lagoons for home construction.

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4. The following detrimental effects to nearby properties may occur if the proposed zoning is approved:

No detrimental effects are foreseen due to the increased separation distance between the shop building and existing homes.

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5. Describe the length of time the property has been vacant:

Subject property has always been vacant.

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6. Describe any effects the proposed zoning will have as it relates to the health, safety, welfare of the public and also any land owner hardship if the proposed zoning is denied:

Shop traffic will be relocated from residential streets to section line road making streets safer by reducing chance of injury to children; residential streets will enjoy reduced maintenance costs. If denied, landowner must locate, purchase and rezone another site further away from base of business.

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7. Describe how the proposed zoning and use of the property will be in conformance with the Reno County Comprehensive Plan and future land use map and also help implement its objectives:

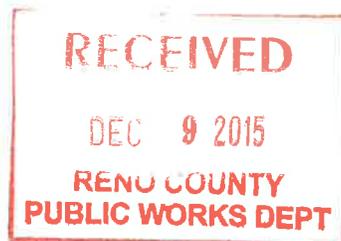
Industrial use will be moved further away from existing residential use which will allow additional buffering to assure protection of residential development per Policy C.I. 3. Also, the development will not be located in a Flood Plain per Policy G.P. 5.

8. The proposed zoning and land use will have the following impact on public facilities and utilities:

No public water or sewer service is required for this building. The current unopened public road right-of-way (Tangier Avenue and 69<sup>th</sup> Avenue) will most likely be opened as a public road to Redwood Road.

9. Additional comments:

Owner is attempting to comply with the wishes of Reno County officials to vacate the current shop site and relocate in the second quarter of 2016. Therefore, in anticipation of the future transition of the zoning regulations, we are requesting change to I-1 Light Industrial to eliminate the need for a separate special use permit and thereby decrease the waiting period to secure a building permit and increase the allowable time to develop the site, build the new shop building, and vacate the previous location.



**Section C – DOCUMENTS**

The rezone application will not be processed until the following information is submitted:

- \$300.00 application fee. A check may be made payable to the Reno County Planning Dept.
- A copy of the deed to the property.
- A list of all property owners and mailing addresses within 1,000 feet of the area proposed for rezoning. This list may be obtained from the Reno County Appraiser's Department or a title company. Property owner lists printed off the internet, hand-written, or from a source not identified above will not be accepted.
- A written plan of operation. The plan of operation shall include what the current use of the property is and what the proposed use of the property will be should the rezoning be approved.
- A scaled site plan. The site plan may be prepared by anybody as long as it is to scale. The site plan shall show the location and exterior dimensions of the parcel boundaries, all existing and proposed structures with dimensions, all exiting roads, easements, and driveways with dimensions, existing and proposed landscaping (if any), existing and proposed lighting (if any), the number of parking spaces, and any future structures which may be constructed.

**OFFICE USE ONLY**

Date Received 12/9/15 Public Hearing Date 1/21/16  
Fee Received \$ 300.00 Protest Petition Date 2/4/16  
Case Number 15/2A101 Study Session Dates 2/2/16  
Publish in Paper by 12/30/15 Final Action Date 2/9/16

Planning Commission recommends:  
Approval of this petition: \_\_\_\_\_  
Denial of this petition: \_\_\_\_\_

Board of County Commissioners:  
Approves the petition: \_\_\_\_\_  
Denies the petition: \_\_\_\_\_

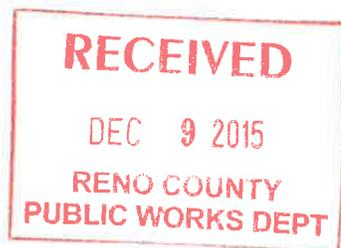
\_\_\_\_\_  
Signature of planning commission chairperson Date

\_\_\_\_\_  
Signature of county commission chairperson Date

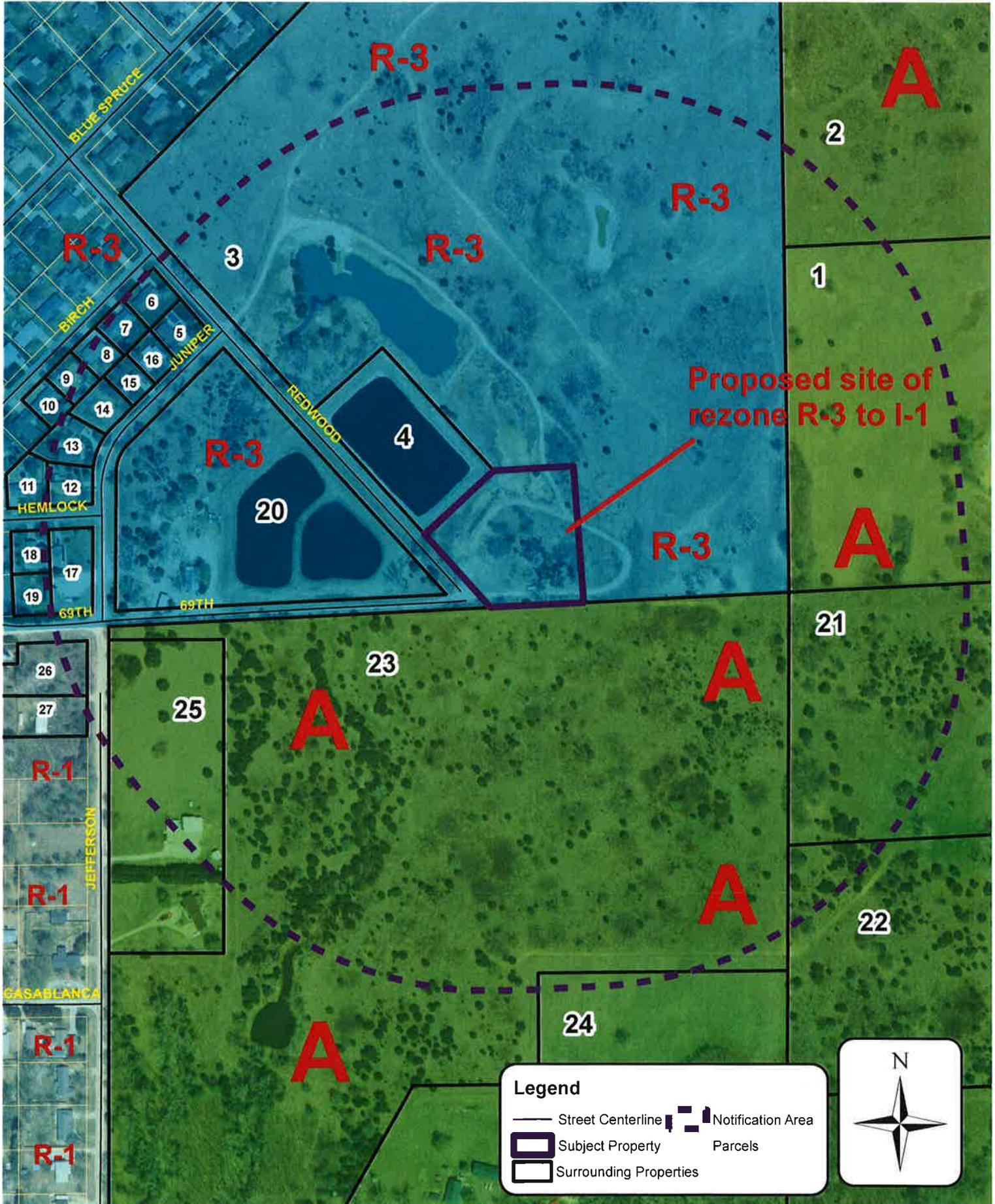


## PLAN OF OPERATION

The current use of the subject property is for irrigation from the adjacent sanitary sewer lagoons owned by the Reno County Sewer District No. 3. If this zoning application is approved, the site will no longer be used for irrigation purposes but will be developed as a new site for a shop building for Miller Home Builders. The site will be used for storage of tools, equipment, and materials used in the construction industry. The landowner plans to construct a new shop building; then move tools and materials from the existing shop building west of the sewer lagoons over to the new building. Then he will disassemble the existing shop building and re-construct it as an addition to the new building. Access to the site will be along Tangier Avenue or 69<sup>th</sup> Avenue. Traffic to the site will be very light as the building and site are to be accessible only to employees of Miller Home Builders.



# Property Ownership/Zoning Map 15/ZA/01



15/ZA/01  
 Miller Home Builders  
 Property Owner List

PO #	PIN	OWNER	Mailing Address	Property Address
1	361300001002000	MCKINNIS, DONALD P & REBECCA J	6917 N PLUM ST HUTCHINSON, KS 67502	6917 N PLUM ST, Hutchinson, KS 67502
2	361300001002010	PENCE, JOHN T & KAREN T	C/O FIRST NATIONAL BANK PO BOX 913 HUTCHINSON, KS 67504-0913	00000 N PLUM ST, Hutchinson, KS 67502
3	361303001001000	MILLER, WENDELL S & KERI A LIV TRUST	103 N BLUE SPRUCE RD HUTCHINSON, KS 67502-9692	00000 W 75TH AVE, Hutchinson, KS 67502
4, 20	361303001001010	RENO COUNTY SEWER DISTRICT #3-10	206 W 1ST AVE HUTCHINSON, KS 67501	00000 REDWOOD RD, Hutchinson, KS 67502
5	361303010001000	RAMSEY, BRAD E & LINDA D	310 JUNIPER DR HUTCHINSON, KS 67502	310 JUNIPER DR, Hutchinson, KS 67502
6	361303010002000	MORRIS, JAY M & TINA J	309 BIRCH WAY HUTCHINSON, KS 67502-9619	309 BIRCH WAY, Hutchinson, KS 67502
7	361303010003000	DICK, KENNETH WAYNE & DORIS J	311 BIRCH WAY HUTCHINSON, KS 67502	311 BIRCH WAY, Hutchinson, KS 67502
8	361303010004000	WOODS, BETTY ANNE	837 BRACKENRIDGE AVE BRACKENRIDGE, PA 15014-1401	313 BIRCH WAY, Hutchinson, KS 67502
9	361303010005000	ESTES, ELDON	315 BIRCH WAY HUTCHINSON, KS 67502-9619	315 BIRCH WAY, Hutchinson, KS 67502
10	361303010006000	DICKERSON, RANDY K & EILEEN R	317 BIRCH WAY HUTCHINSON, KS 67502	317 BIRCH WAY, Hutchinson, KS 67502
11	361303010010000	BOLTE, JESSE E	304 HEMLOCK ST HUTCHINSON, KS 67502-8992	304 HEMLOCK AVE, Hutchinson, KS 67502
12	361303010011000	PETERSON, JANIE	300 HEMLOCK AVE HUTCHINSON, KS 67502	300 HEMLOCK AVE, Hutchinson, KS 67502

15/ZA/01  
Miller Home Builders  
Property Owner List

PO #	PIN	OWNER	Mailing Address	Property Address
13	361303010012000	MCCLAFLIN, CLYDE D & JOANN E	320 JUNIPER DR HUTCHINSON, KS 67502	320 JUNIPER DR, Hutchinson, KS 67502
14, 17, 19	361303010013000	MILLER HOME BUILDERS, INC	C/O MILLER, GLENN 301 HEMLOCK AVE HUTCHINSON, KS 67502	00000 JUNIPER DR, Hutchinson, KS 67502
15	361303010015000	MATHIAS, STEVEN P & CHELSEY R	314 JUNIPER DR HUTCHINSON, KS 67502	314 JUNIPER DR, Hutchinson, KS 67502
16	361303010016000	STAIB, NICHOLAS L	312 JUNIPER DR HUTCHINSON, KS 67502	312 JUNIPER DR, Hutchinson, KS 67502
18	361303011002000	MILLER, KATIE	303 HEMLOCK AVE HUTCHINSON, KS 67502-9659	303 HEMLOCK AVE, Hutchinson, KS 67502
21, 23	362401001001000	TUCKER, HELEN F IRR TRUST	C/O TUCKER, NORMAN G 535 CAMERON LN ALLEN, TX 75002	00000 N PLUM ST, Hutchinson, KS 67502
22	362401001001010	AFFILIATED LEASING, INC	PO BOX 935 HUTCHINSON, KS 67504-0935	00000 N PLUM ST, Hutchinson, KS 67502
24	362402001001030	EHART, JEREMY J & KRISTY L	6310 YUCCA RD HUTCHINSON, KS 67502	6310 YUCCA RD, Hutchinson, KS 67502
25	362402001002000	GORTON, JERRY D REV TRUST & DOLORES A REV TRUST	6604 N JEFFERSON ST HUTCHINSON, KS 67502	6604 N JEFFERSON ST, Hutchinson, KS 67502
26	362402002001000	WEHRMEISTER, RENEE	6614 N MADISON ST HUTCHINSON, KS 67502-3822	6614 N MADISON ST, Hutchinson, KS 67502
27	362402002003000	FLOWERS, JON A & BEVERLY E	2385 31ST RD INMAN, KS 67546-8669	6612 N MADISON ST, Hutchinson, KS 67502



**Reno County  
Planning & Zoning**

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**Date:** January 27, 2016

**To:** Reno County Board of County Commissioners

**From:** Mark Vonachen – County Planner II

**Subject:** 15/ZA/01 – Wendell & Keri Miller Living Trust (Applicant: Garber Surveying Service)  
Legal Description: Approximately 2.5 acres of land located in the SW ¼ - Section 13 of T22S, R6W of the 6<sup>th</sup> P.M. in Reno County, Kansas and further described as being located at the dead-end intersection of W. 69<sup>th</sup> Avenue and Rosewood Rd. and part of PIN: 0361303001001000.

**Who:** Owner: Wendell and Keri Miller Living Trust  
Applicant: Dan Garber – Garber Surveying Service

**What:** This is a zoning amendment request to change the zoning on a portion of the above parcel of land from R-3 – Moderate Residential District to I-1 – Light Industrial District. There is no official designation for this area on the Reno County Future Land Use Map. The current floodplain designation is Unshaded Zone X which are areas determined to be outside of the 500-year floodplain designation.

**Why:** The owner is requesting to rezone the above identified land from R-3 to I-1 for the purpose of establishing a contractor's storage yard.

**BACKGROUND**

The applicant is requesting to rezone the above described land from R-3 to I-1 for the purpose of constructing a new storage building and re-locating an existing storage building used by Miller Home Builders.

The current location of the storage building is approximately 700 feet west of the proposed rezone area and on land that is owned by Reno County Sewer District 3-10. The Reno County Board of County Commissioners is currently the owner/operator of this sewer district. Back in the 1970's Norman Ensz donated the land west of the proposed rezone area to the sewer district. Mr. Ensz then asked the county if he could construct a building on this property for his construction business. The county agreed and entered into a lease agreement with Mr. Ensz. A few years later, Mr. Ensz sub-leased a portion of the property, with county approval, to Miller Home Builders and then eventually sold his construction business. Subsequent lease agreements with Miller Home Builders were approved permitting Mr. Miller to utilize the sewer district owned property for the construction company in exchange for the sewer district being permitted to irrigate excess water out of the sewer ponds onto land owned by Mr. Miller.

In 2016, the Blue Spruce Sewer District will undergo a rehabilitation project. As a part of this rehabilitation project, the county reviewed the possibility of re-locating the irrigation field onto the sewer district owned property. KDHE has reviewed the proposal and determined that moving the irrigation field onto property that is owned by the sewer district is feasible provided the entire parcel of land is used. After KDHE review and approval, the county determined re-location of the irrigation system is the correct approach and has decided to



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terminate the lease agreement with Miller Home Builders. The termination of the lease permits Miller Home Builders nine months to remove all structures, equipment, and material from the property in addition to returning the property to its original condition. The nine months grace period is due to expire in July of 2016.

The current R-3 zoning district prohibits the establishment of a contractor's storage yard. A contractor's storage yard is classified in the table of land uses as a light industry land use. Light industry land uses are permitted in the C-4 and C-5 zoning districts with a special use permit. Light industry land uses are permitted by right in the I-1, I-2, and I-3 zoning districts. Commercial and industrial zoning districts do not have a minimum acreage requirement.

The plan of operation indicates the owner proposes to construct a 60' x 100' building. This building will house all the equipment currently in the existing building located to the west. The owner will then tear down the existing building located on the sewer district property and re-construct it in the new location.

The site plan indicates two lean-to's will be constructed on opposite ends of the building. The owner also proposed to have outside storage of materials and outside storage of trucks and trailers.

W. 69<sup>th</sup> Avenue and Redwood Rd. are both open public roads. However, Redwood Road is not constructed and is fenced off in order to prevent people from driving or walking between the sewer ponds. W. 69<sup>th</sup> Avenue east of Juniper Dr. mainly carries employee traffic who work at Miller Home Builders or county personnel doing maintenance on the sewer ponds.

### **ZONING AND LAND USE**

This parcel is surrounded by grassland zoned R-3 and "A". The sewer district property is located to the north and west and is zoned R-3.

### **PERMITTED USES**

Examples of land uses permitted by right and permitted with a special use permit are as follows:

The I-1 zoning district permits light industry, off-street parking, and utility land uses by right.

Indoor commercial, industrial, offices manufactured office, outdoor commercial, recreational-commercial, agricultural-commercial, special commercial, and vehicle commercial land uses are permitted with a special use permit.

### **FACTORS**

These are the factors the County Commissioners may consider in reaching a decision. Other factors may be considered if identified.

#### **1. CHARACTER OF THE NEIGHBORHOOD**

The proposed rezone area is located next to sewer lagoons and farther away from the Blue Spruce Subdivision than the existing building. The rezone area is part of a 63 acre undeveloped tract of land consisting of grassland. To the north, east, and south are large parcels greater than 35 acres and used for



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large lot residential purposes. Approximately 1,000 feet to the north, northwest is Blue Spruce Subdivision which contains numerous houses on small lots less than .5 acres in size.

*This proposal is not in keeping with the character of the neighborhood. Even though the nearest houses will be located approximately 1,000 feet from the shop building and this is an improvement over the current location, most industrial land uses typically are not placed near residential neighborhoods due to their potential impact. The existing shop building is located approximately 350 feet from the nearest residential dwelling not owned by Mr. Miller. By relocating the shop building to the proposed location, the impact on the neighborhood should improve over the current location but industrial land uses are typically not compatible with a residential neighborhood. The majority of this 63 acre tract has the potential for additional residential development due to the existing public sewer system nearby and current zoning.*

**2. CURRENT ZONING AND USES OF NEARBY PROPERTY**

The current zoning of all nearby properties is "A" – Rural Development District and R-3 – Moderate Residential District. The majority of the land in this area is used for open grassland purposes. It is not farmed for crops. The R-3 zoning district will permit single family dwelling parcels as small as 9,000 square feet since there is a public sewer system available. This large R-3 parcel would have to petition the county to be included in the sewer district boundary. The "A" zoning district permits one house per ten acres of land.

The sewer district owns approximately 10 acres of land. These parcels of land are used for the existing sewer ponds and in the future it will also be used for irrigation purposes of excess sewer water. Under the current zoning regulations, this approximate 10 acres should be zoned heavy industrial to permit this type of land use. At this time it is unclear why the sewer district property is not zoned heavy industrial.

*This proposal is not in keeping with the current zoning but may be considered compatible with the uses of nearby properties. There is no active land use on the majority of the land in this area. Taking into consideration the sewer pond land use occurring directly north of this proposal and the type of land use being proposed, a contractor's storage yard could be considered compatible with the surrounding land uses.*

**3. SUITABILITY OF ZONING FOR CURRENT USE**

The parcel is currently zoned R-3. The current zoning district permits only single family dwellings and twin homes.

This parcel is outside of the sewer district and the existing sewer lines are too far away to make it feasible to connect.

As stated previously, the sewer district property should be zoned heavy industrial. Placing another industrial land use next to the sewer ponds could be considered compatible with the area.



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The area surrounding the sewer ponds is not appropriate to develop for residential purposes. KDHE requires a 300 foot separation from the sewer ponds to any home construction so the existing residential zoning is not suitable for this area of the property. Additional residential development may require the construction of additional sewer ponds.

*The zoning is not suitable for the proposed use or for future residential use for the above stated reasons and should be changed to a zoning district that prohibits residential development.*

4. **DETRIMENTAL EFFECTS TO NEARBY PROPERTIES IF ZONING AMENDMENT IS APPROVED**

No detrimental effects to nearby properties are anticipated if the rezone is approved.

If the rezone is approved, the parcel will be a standard conforming parcel of land.

Rezoning the property to I-1 will bring the existing land use on the sewer district property into compliance with the current zoning regulations. When this property was developed originally, the county issued a special use permit in the residential zoning district for a land use that is not permitted in such a zoning district.

If the rezone is approved, there should be less impact on the neighborhood because the operations will be moved farther away from the residential subdivision. Some noise, dust, and vibration impacts should be reduced in the subdivision because of the re-location. The impact on the road system and traffic should remain the same as it is now. W. 69<sup>th</sup> Avenue is not a through road to the east. The only traffic travelling down this road should be Miller Home Builders employees and county staff.

*Staff believes no detrimental effects will occur to nearby properties if the zoning amendment is approved. This type of land use has been occurring in this neighborhood since the 1970's. The surrounding properties should realize less of an impact on their neighborhood with operations moving farther east. Any noise or dust generated by the operations should be lessened for people in the subdivision because of the re-location of the business.*

5. **LENGTH OF TIME OF VACANCY**

The area proposed for rezoning is currently vacant.

*Even though the entire 63-acre parcel is currently vacant, not all areas of the parcel are served by a public road. Some areas of the parcel would require construction of a long driveway. The area chosen for rezoning is the best location because of the direct access to a public road but also its location to the sewer ponds. This location is also farthest away from the majority of the Blue Spruce neighborhood without causing added expenses to the owner for construction of a long driveway.*



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6. **CONSIDERATION OF PUBLIC INTEREST AND LANDOWNER HARDSHIP**

Health: No detrimental effects anticipated. There is no mention of the owner storing hazardous chemicals that could cause harm to the neighborhood or pollute the ground.

Safety: No detrimental effects anticipated. Safety should be improved as the owner will no longer be using Juniper Dr. as an access driveway to the property. All traffic should only travel down W. 69<sup>th</sup> Avenue (Tangier Avenue) for access to the new location. All roads are under the control and maintenance plan of the township. Reno County has no jurisdiction over the roads.

Welfare: No detrimental effects anticipated.

Landowner Hardship: If the rezone is denied, the owner will be prohibited from establishing a contractor's storage yard on the property. The owner is still required to vacate the property under the terms agreed upon with the county. There are very few parcels in the county where this type of land use is permitted by right so the owner more than likely have to petition to rezone another piece of land. That process takes anywhere from 45 days to 60 days. Re-locating to a city would provide the owner more options to establish a contractor's storage yard by right.

*Staff believes no harmful effects to the public health, safety and welfare will occur if the rezone is approved. Miller Home Builders has been at this location for decades. The business is expanding its storage capacity on the new site so less material and equipment should be stored outside. Looking at the proposal versus the current location of the contractor's storage yard, the public could be better served by the rezone because the operation will be located farther away from the Blue Spruce neighborhood. In addition, construction equipment should use the residential subdivision streets less since access to the property is only off of W. 69<sup>th</sup> Avenue. The relative gain to the public interest outweighs the potential landowner hardship if the rezone is approved. Denial of the rezone will require the owner to locate another site and possibly go through a zoning process.*

7. **CONFORMANCE OF THIS REQUEST WITH THE COMPREHENSIVE PLAN**

There is no future land use identified for this area. To the west of this area, the future land use map has identified this area as residential.

*In reviewing the comprehensive plan policies that outline the intentions of Reno County with regard to future development trends, patterns, and processes, staff finds this proposal is in conformance with the policies as established by the County Commissioners.*

Staff paid particular attention to the following policies:

*General Policies*

*Commercial and Industrial Policies*

While there may be questions regarding whether this proposal meets the commercial and industrial policies established by the Comprehensive Plan, staff believes given the unique circumstances outlined



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in this report and the direction of the new zoning regulations, there are no violations of policies with this proposal.

This development is not in a floodplain and is being located over 1,000 feet away from the residential neighborhood to assist in lessening any potential impact on the neighborhood. In addition, giving the residential restrictions placed on this area of land by KDHE, there are not many land uses that can be placed in this location.

**8. IMPACT ON PUBLIC FACILITIES AND UTILITIES**

The owner indicates no public water or sewer service will be required for this building.

*(During the public hearing it was revealed there are some wells on the property and the owner will connect to one of the wells so he will have water to wash vehicles and other needs).*

The sewer district boundary runs along the east right of way of Redwood Rd. In order for the owner to connect to the sewer system he first would have to petition to get into the sewer district. However, there are no sewer lines in this area of the development. Sewer lines would have to be extended and a lift station installed to gain access to a main line that feeds into the sewer ponds. The owner would be prohibited from running a pipe directly into the sewer pond.

All of the restroom facilities or meeting rooms for employees are located at the main headquarters which is at 301 Hemlock Avenue.

The township road should be improved to accommodate the additional traffic travelling a greater distance down W. 69<sup>th</sup> Avenue.

*Staff believes there will be little no impact on public facilities and utilities if the rezone is approved. There is no request in the application for a public sewer extension. The building will not require sewer or water services. W. 69<sup>th</sup> Avenue is an open road but not maintained on a regular basis due to the limited use of the road by the general public.*

**9. ADDITIONAL DISCUSSION**

The purpose of this rezone request is to permit Miller Home Builders to relocate their existing storage building off of land leased to them by Reno County Sewer District 3-10 and permit a new construction material storage building to be assembled on the rezone parcel. This rezone will also aid in helping Reno County make sewer district improvement for the Blue Spruce Subdivision and bring this operation into full compliance with the current zoning regulations.

In this particular petition, the County Commissioners have the option of enacting Section 4.07 (3) of the Land Development Regulations. This section of the regulations discusses zoning of lesser change options. A contractor's storage yard is permitted in the C-4 and C-5 zoning districts with an approved special use permit and by right in the I-1, I-2, and I-3 zoning districts.



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If the County Commissioners believe the proposed I-1 zoning district is too intense a zoning district for this area, you may approve of a “zoning of lesser change” to another zoning district which is less intense and more restrictive than the I-1 zoning district. A new public hearing or notice in the paper is not required for such a recommendation. If the zoning is changed to C-4 or C-5 then the owner will be required to apply for and receive approval of a special use permit for the parcel before a zoning permit is issued. This will require a new notice and public hearing.

If the new zoning regulations are approved as proposed, there will be no commercial or industrial zoning districts. Due to the terms of the lease agreement with the county, the owner could not wait for the zoning regulations to be approved to apply for a conditional use permit only in the R-3 zoning district. The proposed I-1 zoning is a short term solution so the owner can receive a zoning permit and begin the process of re-locating the business. Once the new zoning regulations are approved, Miller Home Builders will assigned a conditional use permit so they may continue their operations without going through another zoning process. Any expansion of the operations whether on another vacant adjacent parcel or within the current parcel will have to comply with the new zoning regulations.

The County Commissioners should consider all nine “Golden” factors in making a decision. Other factors in making a decision may also be considered if it’s deemed appropriate. The County Commissioners may assign “weight” to some factors over others in making a decision.

**STAFF RECOMMENDATION:**

Staff is recommending **APPROVAL** of this request for a zoning change from R-3 Moderate Residential District to I-1 – Light Industrial District based on the following factors:

1. Suitability of zoning for the current use.
2. Detrimental effects to nearby properties should the zoning amendment be approved.
3. Consideration of public interest and landowner hardship.
4. Conformance of the request with the Comprehensive Plan.
5. Impact on public facilities and utilities.
6. Staff recommendation.

One additional factor considered in staff’s recommendation is the I-1 zoning district is temporary. If the new regulations are adopted as proposed, there will no longer be commercial and industrial zoning districts. All land uses other than residential will have to go through a conditional use process. The potential for any other land use to locate on this property between now and the adoption of the new zoning regulations is slim to none.

Staff sent letters to 23 different property owners. Four responded in favor of this proposal, three responded as opposed, and zero responded as unsure.

**CONCLUSIONS AND RECOMMENDATIONS:**

Planning staff recommended **APPROVAL** of this request to the Planning Commission.



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On January 21, 2016 the Planning Commission held a public hearing to consider this rezone request.

Dan Garber, Garber Surveying Service, 2908 N. Plum St., Hutchinson, KS 67502, representing the owner of the property, stated the property proposed for rezoning is south and east of the Blue Spruce Subdivision. The property is best suited for its intended use because of the proximity to the sewer lagoons. There is a 300' setback requirement for residential development near a sewer lagoon imposed by KDHE. The property to the north is being used for irrigation purposes by the sewer district. There are no other industrial zoned properties nearby. The existing shop building is located on the west side of the sewer lagoons. The county is requesting the owner to remove the building and vacate the property so the sewer district can use this property for irrigation purposes.

The owner proposes to construct a new building on the rezone site and move all of the construction equipment and building material into this building. After that, the owner will then remove the existing building and reconstruct it on the new site.

Access to the site will be off of W. 69<sup>th</sup> Avenue as Redwood Road is not constructed. W. 69<sup>th</sup> Avenue is not a through road.

Commissioner French asked if the new location will change the truck patterns accessing the site.

Mr. Garber stated some of the truck traffic goes out Juniper Road now but with the new location almost all truck traffic should travel down W. 69<sup>th</sup> Avenue.

Commissioner Jorns questioned the current situation with regards to irrigation of the sewer ponds.

Vonachen stated the sewer district irrigates on a relatively small portion of Mr. Miller's property. The sewer district does not use the entire 63 acre parcel. In consultation with KDHE, the sewer district will be permitted to irrigate on its property provided they utilize the entire parcel. This is the reason Mr. Miller must remove his building.

Commissioner Jorns asked if Mr. Miller has been informed he needs to vacate the property.

Vonachen said yes.

Commissioner Jorns then asked what happens if this rezone request is denied.

Vonachen responded that Mr. Miller still has to vacate the property by the specified date and he will have to find a new location for his business. Most likely he would have to petition to rezone another parcel of land as there is not a lot of commercial or industrial zoned land in the county.

After presentation of the staff report the Planning Commission has several questions.



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Commissioner Westfahl asked about not needing any sewer or water for the building.

Wendell Miller responded said there are some wells on the property that he will hook up into the building so he can clean machines. It won't be used for drinking or restrooms.

Commissioner French asked for clarification that the owner will not need a conditional use permit after the new zoning regulations are adopted.

Vonachen said no. If the new regulations are adopted as they are written now, the owner will be issued a conditional use to continue operation of his business in that location. If a new land use goes in on the property or a substantial change in the existing use, say another 60' x 100' building where the intensity changes then a conditional use may be required. A small building addition where little to no change in intensity will occur will most likely not require a conditional use.

Dave Yearout, Yearout Associates, Inc., and planning consultant for Reno County, confirmed this analysis. He loses nothing with respect to the actual activity going on with the property. Zoning laws protect what is going on now with the property. They do not protect future intentions with a property.

Commissioner Jorns questioned what happens if the new zoning regulations are not adopted as written. We could have a situation where we have spot zoning and an industrial area in the middle of residential zoning.

Vonachen responded that is correct. If this rezone is approved, the property will remain zoned I-1 and any other land use permitted by right in the I-1 zoning district will not have to go through a public hearing process. This is why you have the opportunity to do a zoning of lesser change to a commercial district where, if approved, industrial land uses need a special use permit.

Commissioner Westfahl clarified with staff that the sewer ponds are owned by the sewer district which is operated by the county and that the owner proposes to construct a material storage building.

Vonachen said that is correct.

Commissioner Westfahl also reasoned since Mr. Miller owns the 63 acre parcel, if he desires to develop this into residential houses, he may have to do something to the area to make it attractive to buyers so they would want to live near his storage building.

Vonachen advised the Planning Commission that the 63 acre parcel is not in the sewer district so the owner would have to petition the County Commissioners to include the parcel in the sewer district. Then, if permitted, sewer extension plans would have to be drawn, in addition, to road extensions and platting. It is possible to develop the property but it will take a lot of time and money to get this accomplished. Well and septic is more of a possibility but then the minimum requirement is three acres. Platting will still be required and roads will still need to be designed and constructed.



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During the public comment period, Jay Morris, 309 Birch Way, Hutchinson, KS 67502 questioned staff on the effect on residential property taxes if the rezone is approved.

Vonachen responded by saying the Appraiser's Department should assess your property for what you are using the property for, not based on what it is zoned. The zoning on someone else's property usually does not have a bearing on your taxes.

Mr. Morris also asked about future traffic patterns related to the business.

Vonachen said the hope is Mr. Miller's business related traffic will utilize W. 69<sup>th</sup> Avenue only for truck traffic and not travel down the other residential roads. This, however, is not something we can address with this petition. Traffic patterns are a township issues since these are township roads. If the township desires, they can pass an order limiting truck traffic on specific township roads.

Mr. Yearout added taxes are also affected by externalities. Meaning are there trends happening in the area which may cause a re-evaluation of the assessments. In this particular case, there is none. This case is about re-locating an existing business that has been in the area for decades. It is not introducing a new business or land use to the area.

The applicant and staff were permitted an opportunity to rebut any statements.

Neither the applicant nor staff rebutted any statements.

Chairman Etzler expressed his concern to Mr. Miller about his ability to fight a fire. Since this area is surrounded by native grass he appreciates Mr. Miller's willingness to run a water line to his building from the existing well he has on the larger parcel.

Chairman Etzler is also concerned about the width of W. 69<sup>th</sup> Avenue and the condition it is in now. Should there be a fire and the fire department has trouble accessing the building, a substantial loss could be incurred by the owner.

Vonachen stated it is a 66' right-of-way in that area and he believes the township will be improving the condition of the road since the road will now carry all of Mr. Miller's traffic and also county staff personnel.

Mr. Miller stated he did have a conversation with the township and they are willing to do what is necessary to improve the road. Mr. Miller stated he will also need to have the road widened in order to have two-way traffic along with a 70' radius for a fire truck to turn around.

Addressing the fire issue, Mr. Miller stated he lives in the area as well and he doesn't plan to have any natural grass near the building.



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Mr. Yearout said you don't have the authority to attach conditions to a rezone but you can pass your comments and concerns on as part of the recommendation to the County Commissioners. One of the benefits of the conditional use system under the proposed regulations, is you have more say in how a property is developed.

Staff advised the Planning Commission you cannot place conditions on a rezone petition. The decision should be based on the nine factors and any other factors as well as if this is the best use of the land.

**Motion by Westfahl to recommend to the County Commissioners APPROVAL of the rezone request from R-3 – Moderate Density Residential District to I-1 – Light Industrial District based on the six factors listed above by staff and the fact that the zoning regulations may be changing in a few months which will result in the industrial zoning district being removed from the area; seconded by Price.**

Commissioner Jorns again expressed his concerns regarding this request and its proximity to a residential neighborhood but since Mr. Miller owns the large parcel of land he will support the request. Chairman Etzler agreed with Commissioner Jorns but believes this is the best way to address the current situation. Given the staff report and the new zoning regulations this should provide an opportunity to address any future problems that may occur on the property. This is the best possible solution for all parties concerned.

**The motion passed with a vote of 6-0 (Yes: Baker, Price, Jorns, Westfahl, French, and Etzler).**

**PROTEST PETITION**

If a protest petition is filed with the county clerk's office within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice and signed by the owners of record of 20% or more of the total area required to be notified by this act of the proposed rezoning of a specific property, the resolution adopting such amendment shall not be passed except by a  $\frac{3}{4}$  vote of all of the members of the governing body (the Reno County Board of County Commissioners).

This means that all three County Commissioners would have to vote for approval/denial of the zoning change instead of the usual two. Any citizen wishing to file a protest petition must file it with the county clerk's office by February 4, 2016.

**ALTERNATIVES:**

The County Commissioners may make a motion to:

1. Approve the Planning commission recommendation
2. Amend the Planning Commission recommendation
3. Deny the Planning Commission recommendation
4. Return to the planning Commission for further consideration or clarification

**ATTACHMENTS**

Application  
Comments  
Zoning and property ownership map  
Site plan

**Comments**  
**Wendell & Keri Miller Living Trust**  
**15/ZA/01**

**RENO COUNTY DEPARTMENTS**

**Darcy Basye - Reno County Health Department**

No comment.

The proposal of the new construction storage building does not need water and sewer.

**Todd Strain, Reno County Emergency Management**

After review of the application, I find nothing in my area that would preclude this application from being approved.

Please make note that there is a pipeline to the south and west running parallel to Redwood. Mapping is not always accurate and up to date.

**OTHER AGENCIES**

No agencies responded.

**PROPERTY OWNERS**

**Keri Miller, Property Owner 3**

In favor

**Kenneth Wayne Dick, Property Owner 7**

In favor

**Miller Home Builders, Inc., Property Owner 14, 17, 19**

In favor

**Katie Miller, Property Owner 18**

In favor

**Rebecca McKinnis, Property Owner 1**

Opposed.

Do not raise our taxes!!

**Janie Peterson, Property Owner 12**

Opposed? Unsure.

Would not want more big heavy trucks coming and going, (obstruct view, or depreciate my property?)

**Nick Staib, Property Owner 16**

Opposed

Industrial use is not compatible with residential. This location would allow/require heavy construction traffic through Blue Spruce neighborhood to access the site. This is currently an issue that has been discussed the Millers, along with the speed they drive, and they refuse to make changes. Concern about groundwater contamination with the amount of equipment/junk they have currently sitting around.

**CONTRACT NO.** \_\_\_\_\_

**LEASE AGREEMENT**

THIS LEASE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between:

THE CITY OF HUTCHINSON, KANSAS, a municipal corporation ("City");  
and

RENO COUNTY, KANSAS, a political subdivision of the State of Kansas  
("County");

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

1. That the City does by these presents let, lease and rent to the County, hereinafter sometimes referred to as the "Lessee", for the purposes of firearms training, the following described real estate located in Reno County, Kansas, to-wit:

The North 12.5 acres, more or less, of a portion of the Southeast Quarter of Section 30, Township 23 South, Range 5 West of the 6<sup>th</sup> Principal Meridian in Reno County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of Section 30, Township 23 South, Range 5 West of the 6<sup>th</sup> Principal Meridian; thence with an assumed bearing North 89°12'42" East along the North line of said Southeast Quarter 808.36 feet to the East right-of-way line of U.S. 50 Highway for the point of beginning; thence continuing North 89°12'42" East along the North line of said Southeast Quarter 516.27 feet to the Northeast corner of Lot 4 of said Section 30; thence South 00°38'49" East along the East line of Lot 4 and Lot D4 of said Section 30, a distance of 1,771.09 feet; thence North 56°00'52" West 612.37 feet; thence North 60°23'55" West 546.49 feet to the Easterly right-of-way line of U.S. 50 Highway; thence North 21°12'02" East along said highway right-of-way line 1,235.23 feet to the point of beginning containing 26.33 acres, subject to any easements and/or rights-of-way of record;

To have and to hold for a term of five (5) years from January, 2016 through December, 2020, with a County option of renewing the Agreement for an additional three year term by giving notice in writing to the City Manager no later than thirty (30) days prior to expiration of the Lease; PROVIDED, HOWEVER, that if the City needs to use the aforesaid premises for any municipal purpose, it must give written notice at least one hundred eighty (180) days prior to the date such cancellation is to become effective.

The County may cancel this lease effective on the first day of any month during the term thereof; and written notice of such cancellation shall be served upon the City at least one hundred eighty (180) days prior to the date such cancellation is to become effective.

In the event of a cancellation by the City, the County shall be entitled to reasonable compensation for all improvements to the property. If there is disagreement as to value, an independent third party shall make such determination.

2. Such premises shall be used as a firearms range only by County employees and other law enforcement agents designated by the Sheriff; and only when engaged in official firearms training and qualification exercises.

3. City shall have the right to use the premises for its own firearms qualification training but will coordinate its training schedule with Lessee.

4. Lessee, in consideration of leasing the premises, as above set forth, covenants and agrees with the City to maintain said premises in a clean and non-hazardous condition at its own expense, to keep the same properly mowed at all times during the term of this lease; and to maintain the road from the locked entrance gate to sites on the property.

5. Lessee shall not make any improvements to the property without the consent of the City. City shall not unreasonably withhold its consent.

6. The parties agree that the pond or any other areas on the property will not be used for fishing, hunting, or swimming; and that alcoholic beverages are not permitted on the property.

7. In case the aforesaid premises shall, without any fault or neglect on the part of the Lessee or of its employees, be destroyed or be so injured by the elements or any cause as to be untenable and unfit for occupancy, then the right of the Lessee to the possession thereof, shall at once cease.

8. Lessee hereby assumes all liability for any damages to property and for any injuries to or death of any person or persons resulting from the use or occupancy of the aforesaid premises by Lessee; and Lessee hereby indemnifies and holds free from loss the City for any damages to property; and any injury to or death of any person or persons resulting from the use or occupancy of the aforesaid premises by Lessee.

9. The County hereby agrees to pay any and all taxes or assessments levied by any governmental authority on said premises; and on any personal property owned by the County placed in or on said premises.

10. The County shall file and deposit with the City Clerk of Hutchinson, Kansas, a policy of liability insurance issued by an insurance company duly authorized

to do business in the State of Kansas, which said policy so issued as aforesaid shall provide liability insurance coverage of not less than Five Hundred Thousand Dollars (\$500,000.00) for any injuries to or death of any one person; and of not less than Five Hundred Thousand Dollars (\$500,000.00) for injuries to or death of any number of persons which are sustained in the same accident; and of not less than Ten Thousand Dollars (\$10,000.00) for damage to the property of any person or persons.

11. Lessee further covenants with the City that at the expiration of the time mentioned in this Lease, it will give peaceable possession of the said premises to the City in as good condition as they now are, the usual wear, unavoidable accidents and loss by fire excepted; and will maintain said premises in a clean and non-hazardous condition and operate the same in a safe manner at all times; and will not make or suffer any waste thereof, nor assign this lease, nor underlet, nor permit any other person or persons to occupy the same, or make or suffer to be made any alteration therein, without the consent of the City, in writing, having been obtained, and not use or occupy said premises for any purpose other than those authorized herein. Upon the violation or default in any of the preceding covenants and provisions, City shall give written notice of such default and County shall have a ten (10) day right to cure. If not successful, Lessee does hereby authorize and fully empower the City to cancel and annul this Lease at once and to re-enter and take possession of said premises immediately; and remove all persons and their property therefrom, or the City may, at its option, at any time after such notice of default and failure to cure, re-enter and take possession of said premises, without such re-entry working a forfeiture of the covenants to be kept by Lessee for the full term of this Lease.

12. The covenants, terms and conditions of this Lease shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the parties to the Lease.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

CITY OF HUTCHINSON, KANSAS  
a municipal corporation

\_\_\_\_\_  
John Deardoff, City Manager

ATTEST:

\_\_\_\_\_  
Karen Weltmer, City Clerk

APPROVED AS TO FORM:

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Paul W. Brown  
City Attorney

BOARD OF COUNTY COMMISSIONERS  
OF RENO COUNTY, KANSAS

---

James Schlickau, Chairman

---

Brad Dillon

---

Dan Deming

ATTEST:

---

Donna Patton  
Reno County Clerk

APPROVED AS TO FORM:

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Joseph O'Sullivan  
Reno County Counselor

**AGENDA  
ITEM #8**



**RENO COUNTY AGENDA REQUEST**

**PROPOSED AGENDA ITEM:** Consider for review and approval the Annual Noxious Weed Eradication Progress Report.

**PRESENTED BY:** David McComb, Public Works Director

**RECOMMENDED ACTION:** Review and Signatures

**BACKGROUND/DISCUSSION DATE:** February 2, 2016

**PROPOSED AGENDA DATE:** February 9, 2016

**FINANCIAL CONSIDERATIONS:**

Cost: N/A Funding Source: Is it budgeted? N/A

Fund/Dept.: N/A Effective Date: N/A

Revenue: N/A

Grant Amount: N/A Local Match: N/A

**LEGAL CONSIDERATIONS:** If the Agenda Item concerns a Contract, Agreement, Policy, County Resolution, or other matter involving legal issues, has it been reviewed by the County Counselor for legal form/sufficiency/recommendation? N/A

**Will this Agenda Item replace an existing policy, agreement, contract or resolution?  
If Yes, please explain: No**

**OTHER: N/A**

**OPTIONS/ALTERNATIVES:** If not approved, are there other options alternatives available? No

# Annual Noxious Weed Eradication Progress Report 2015



as required by KSA 2-1316

**Reno County Public Works / Noxious Weed Division**

Noxious Weed Supervisor:

**Jay Burns**

**Noxious Weed Department Personnel**

Name	Job Title	% Time Spent on Noxious Weeds
Jay Burns	Director	100%
Dee Smalling	Secretary	100%
Everette Bennett	Spray Technician	100%
Jerry Bennett	Temp Applicator	100%

**Financial Summary - Noxious Weed Fund**

	Amount
Mil levy for 2015	0.27
County valuation for 2015	\$563,832,889.00
Beginning Budget Balance for 2015	\$201,772.00

**Revenues**

Appropriation	\$165,622.85	
Chemical Sale	\$23,431.84	
Equipment	\$2,837.50	
Labor	\$5,045.50	
Misc. Reimbursement	\$50.00	
Cash Balance Forward From 2014	\$14,362.77	
<b>Total Revenue</b>		<b>\$211,350.46</b>

**Expenditures**

Commodities	\$4,091.06	
Commodities - Chemical	\$28,800.23	
Contractual	\$10,916.73	
Personnel Services	\$130,076.34	
<b>Total Expenditures</b>		<b>\$173,884.36</b>

**Ending Budget Balance      \$37,466.10**

Carryover to next year's budget for 2015 to 2016 \$37,466.10

**Capital Outlay Fund**

	Amount
Beginning Balance	\$53,353.34
Receipts	\$0.00
Expenditures	\$0.00
<b>Ending Balance</b>	<b>\$53,353.34</b>

# Annual Noxious Weed Eradication Progress Report

## Reno County Public Works / Noxious Weed Division

Year  
2015 ★

### Estimated Acreage of Noxious Weeds

Noxious Weed	Private	County	Township	State	Federal	City	Total
Field Bindweed	5830.0	180.0	300.0				6310.0
Johnsongrass	130.0						130.0
Multiflora Rose	20.0						20.0
Musk Thistle	1500.0	15.0		20.0			1535.0
Sericea Lespedeza	100.0						100.0
<b>Totals</b>	<b>7580.0</b>	<b>195.0</b>	<b>300.0</b>	<b>20.0</b>			<b>8095.0</b>

### Estimated Acreage of Noxious Weed on Private Land sub-section

Noxious Weed	Wheat	Corn	Soybean	Grain	CRP	Pasture	Other	Fallow	Non-Ag	Total
Field Bindweed										5830.0
Johnsongrass								10.0		130.0
Multiflora Rose										20.0
Musk Thistle										1500.0
Sericea Lespedeza										100.0
<b>Totals</b>								<b>10.0</b>		<b>7580.0</b>

Weeds declared Noxious by the County: Multiflora Rose  Bull Thistle

### Herbicide Disbursement Summary

Chemical	Purchase Price	Cost Share Price	Total Disbursed
2-4 D AMINE	\$3.33	\$2.50	1431.000 qt
AMINOPYALID	\$74.00	\$55.00	79.500 qt
DIMETHYLAMINE SALT	\$33.00	\$25.00	24.000 gal
GLYPHOSATE	\$12.00	\$9.00	35.000 gal
IMAZAPIC	\$1.00	\$0.75	892.000 oz
METSULFURON METHYL	\$8.00	\$6.00	8.000 oz
PICLORAM	\$11.50	\$9.00	851.000 qt
TRICLOPYR	\$52.50	\$40.00	22.000 gal

### Enforcement Summary

Warning Notices	30
Legal Notices	
Court Cases	

Diversion Agreements	
Accounts to Tax Roll	0
Meetings Sponsored	0

Demonstration Plots	0
Feed and Hay Inspection	0
Publish General Notice	0

Enforcement Comments:

We certify this is a correct copy of the Reno County Public Works / Noxious Weed Division Program for 2015.  
We certify that Jay Burns is employed as Reno County Public Works / Noxious Weed Division Supervisor for 2016.

_____ Chairman, Board of County Commissioners	_____ Date	_____ Public Works Director	_____ Date
_____ County Commissioner	_____ Date	_____ Noxious Weed Supervisor	_____ Date
_____ County Commissioner	_____ Date		

**AGENDA  
ITEM #9**



**RENO COUNTY AGENDA REQUEST**

Consider for review and approval the Noxious Weed  
**PROPOSED AGENDA ITEM:** 2017 Annual Management Plan.

**PRESENTED BY:** David McComb, Public Works Director

**RECOMMENDED ACTION:** Review and Signatures

**BACKGROUND/DISCUSSION DATE:** February 2, 2016

**PROPOSED AGENDA DATE:** February 9, 2016

**FINANCIAL CONSIDERATIONS:**

Cost: N/A Funding Source: Is it budgeted? N/A

Fund/Dept.: N/A Effective Date: N/A

Revenue: N/A

Grant Amount: N/A Local Match: N/A

**LEGAL CONSIDERATIONS:** If the Agenda Item concerns a Contract, Agreement, Policy, County Resolution, or other matter involving legal issues, has it been reviewed by the County Counselor for legal form/sufficiency/recommendation? N/A

**Will this Agenda Item replace an existing policy, agreement, contract or resolution?  
If Yes, please explain:** No

**OTHER:** N/A

**OPTIONS/ALTERNATIVES:** If not approved, are there other options alternatives available? No

**RENO COUNTY PUBLIC WORKS**

**NOXIOUS WEED DIVISION**

2017 Annual Management Plan

Introduction

Mission Statement

Prior Year Statistics

Strategies

Goals

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**BY**

JAY BURNS, SUPERVISOR

**FOR**

KANSAS DEPARTMENT OF AGRICULTURE

Due Date: June 1, 2016

# **RENO COUNTY VEGETATION/NOXIOUS WEED DEPARTMENT**

## ***INTRODUCTION***

This strategic plan was created to fulfill the criteria outlined under state statute whereas each county is required to submit an annual management plan to the Kansas Department of Agriculture by June of each year. This plan is also used to establish priorities, set goals, review past statistics as well as improve strategies of the respective department. The mission statement describes the department's purpose or reason for existence. Goals are general statements, which represent the overall results desired by the department. Strategies are specific courses of action to be followed to help attain goals.

## ***MISSION STATEMENT***

With agriculture being the largest industry in Reno County, the Reno County Vegetation/Noxious Weed Department strives to provide the best service possible through professional service, consultation, recommendations, weed identification, and safety of chemical usage. We make every effort to reduce noxious weeds with proper chemical treatments, safeguard crop production and pasture land, while considering the impact on the environment and financial resources vital to our community. We are committed to efficiency, effectiveness, and equity in carrying out the responsibilities delegated to us by the Board of County Commissioners. We support the Kansas noxious weed law and strive to carryout the regulations within this legislation.

## ***PRIOR YEAR STATISTICS***

- Bindweed – In 2015, roadside applications totaled 91 acres on county roads, 115 acres on township roads, and 121 acres on state lands. Private property treated by the department and landowners amounted to 825 acres.
- Johnsongrass – Roadside applications for 2015 totaled 31 acres on county roads, 26 acres on township roads and 6 acre on state lands.
- Musk Thistle – Private property treated by the department and landowners amounted to 1,815 acres.

- Sericea Lespedeza – In 2015 there were 47 acres treated by the department and Reno County landowners. The treatments by this department would not have been possible from this department without the (Kubota) utility vehicle.

### ***STRATEGIES***

- Increase public awareness of musk thistle through correspondence, treatment, media and enforcement notices.
- Assist with education of Sericea Lespedeza by working with Extension and Natural Resource Conservation District.
- Educate and increase public awareness of the economic problems caused by noxious weeds to our local economy.
- Educate landowners of any proposed Noxious Weed Law changes.

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### ***GOALS***

- To assist with the control of noxious weeds within Reno County borders on both public and private lands.
- Work closely with other county departments as well as other government agencies.
- Carry out directives by the Board of County Commissioners in order to meet the needs of Reno County citizens.
- Promote Kansas and Reno County agriculture.
- Evaluate all programs and services delivered by this department for efficiency and effectiveness.
- Produce an annual budget, approved by the County Commission, to be followed by the department that is true, balanced and transparent.
- Promote safe handling and applications of pesticides.
- Reduce, eliminate, or prevent duplication of services.

- Enforce the Kansas Noxious Weed Law.
- Maintain spray units as necessary to be more efficient with less down time during the spraying season.
- Maintain capital outlay annually to insure a steady replacement schedule for equipment and building maintenance.
- Evaluate department policy for needed changes or improvements.
- Monitor legislation that could affect Reno County and this department.
- Reduce noxious weeds on private land, county, state, and township right-of-ways.
- Evaluate what equipment changes need made to improve the performance of the Weed Department's applications for private landowners and right-of-way treatments.
- Continue our efforts to reduce the bindweed acres on K-96 highway.
- Continue our efforts to reduce the teasel acres on K-61 highway

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Submitted By: Jay Burns, Supervisor  
Reno County Public Works – Noxious Weed Division

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David R. McComb, Director  
Reno County Public Works

**2017 ANNUAL NOXIOUS WEED MANAGEMENT PLAN**

We certify that this is a correct copy of the Reno County Annual Noxious Weed Management Plan as required by K. S. A. 2-1317 and due by June 1, 2016.

BOARD OF COUNTY COMMISSIONERS OF  
RENO COUNTY, KANSAS

\_\_\_\_\_  
Dan Deming, Chairman

\_\_\_\_\_  
Brad Dillon, Member

\_\_\_\_\_  
James Schlickau, Member

ATTEST:

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Reno County Clerk